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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,618	04/16/2001	Toru Abe	24593	3896

7590 01/12/2005

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EXAMINER

CHANG, SUNRAY

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/834,618

Applicant(s)

ABE ET AL.

Examiner

Sunray Chang

Art Unit

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-- The MAILING DATE of this communication appears n the c ver sheet with the correspondenc address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 8 are presented for examination.

Claims 1 – 8 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 – 8 are rejected** under 35 U.S.C. 102(e) as being anticipated by Masashi Hirano (U.S. Patent No. 6,180,862 and referred to as Hirano hereinafter).

3. **Regarding independent claim 1,**

Hirano teaches,

- A digital data effect processing method for use on a network for adding, via the network, an effect [Abstract] to digital data saved on a user terminal [Col. 4, Line 57 – Col. 5, Line 4], an effect server is connected to the network via a web server; [Abstract]
- said effect server comprising:

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- a processing program adding the effect to the digital data; [Col. 5, Lines 14 – 17]
- a calling program running in an internet browser for calling said processing program; [Col. 5, Lines 21 – 23 and 35 – 38] and
- a plurality of effect data pieces each corresponding to one of a plurality of effect processing types; [Col. 3, Line 66 – Col. 4, Line 9] said method comprising the steps of:
 - starting the internet browser in said user terminal; [Col. 9, Lines 5 – 8 and Fig. 6 and 7]
 - reading said calling program stored in said effect server and sending the calling program to the internet browser in said user terminal; [Col. 5, Lines 21 – 23]
 - reading and starting said processing program by said calling program, [Col. 5, Lines 14 – 20] download said processing program stored in said effect server to said user terminal via the network and said web server; [application programs, Fig. 2, Col. 5, Lines 39 – 51]
 - selecting one of the plurality of effect data pieces by said processing program; [Col. 5, Line 23 – 27]
 - downloading the selected effect data piece to said user terminal by said processing program; [Col. 4, Lines 8 – 9] and
 - on said user terminal, adding the effect to the digital data, to which the effect is to be added, by said processing program using the selected effect data. [Col. 4, Lines 8 – 9]

4. **Regarding independent claims 2 – 8**, Applicants disclose features in, a system, a server, a terminal, a medium, have been disclosed in Hirano as described in the forth rejection to independent claim 1.

Further explanation, features of independent claims 2 – 8, for example, processing program and calling program downloaded from the web server, effect data pieces of web server are called through internet by processing program, WWW browser in user terminal used for interface of the calling program, adding effect to the digital data in user terminal side, are all disclosed in independent claim 1 and are all rejected as described in the forth rejection to independent claim 1.

Response to Amendment

Claim Objections

5. Applicants amended the term “WWW browser” and “WWW server” in claims; Examiner has withdrawn the claim objection.

Claim Rejections - 35 USC § 112

6. Applicants amended the term “WWW browser” and “WWW server” in claims; Examiner has withdrawn the 35 U.S.C. § 112 claim rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith et al. (U.S. Patent No. 6,067,582) discloses distributing software application, downloading and installing from content server, remote computer, server module, agent module would be actualable by the remote computer. Seto et al. (U.S. Pub. No. 2002/0029242) discloses give a laboratory a command to start editing, transfer template data to PC, editing image, editing

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information in laboratory side, image server. Eisendrath et al. (U.S. Patent No. 6,347,333) discloses interactive work plans and administrative resources presented on line through a web interface. Crawford (U.S. Patent No. 6,014,651) discloses online service provider computer.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office



Anthony Knight
Supervisory Patent Examiner
Group 3600

January 5, 2005